

REMARKS

The Office Action of May 14, 2009 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection and objection are traversed and overcome. Upon entry of this Amendment, claims 1, 4-23, 25, 26 and 28-43 remain in the application. Claims 44-49 are cancelled herein without prejudice.

Reconsideration of the claims is respectfully requested.

The Examiner has indicated that claims 1, 4-23, 25, 26 and 28-43 have been allowed.

Claims 48 and 49 stand objected to as being identical claims with the same dependency. It is submitted that these claims were not identical. Claim 48 recited "... on *the* network device", whereas claim 49 recited "... on *a different* network device" (emphasis added). However, it is further submitted that this objection is moot due to the cancellation of claims 48 and 49 herein.

Claims 44-49 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bruckner. The Examiner stated that Bruckner teaches a network device, comprising:
a processor (Figs. 2 and 6);
a memory coupled to the processor (Figs. 2 and 6); and
means for limiting amount of traffic flow through the network device based on applying a Kalman filter to information associated with the network device (Col. 4, lines 42-67, continued in Col. 5, lines 1-7).

Applicant does not acquiesce to the Examiner's rejection, for at least the reason that Bruckner's GPS system is very different from Applicant's network device. However, in order to expedite prosecution, claims 44-49 have been cancelled herein without prejudice, thereby rendering the rejection of claims 44-49 moot.

It is submitted that the absence of a reply to a specific rejection, issue or comment in the instant Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this Amendment should be construed as an intent to concede any issue with regard to any claim, except as

specifically stated in this Amendment, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In summary, claims 1, 4-23, 25, 26 and 28-43 remain in the application. Claims 44-49 are cancelled herein without prejudice. It is submitted that, through this Amendment, Applicant's invention as set forth in these claims is now in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicant's Attorney at the below-listed telephone number.

Respectfully submitted,

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